

MINUTES OF THE
THE CITY OF SANTA FE & SANTA FE COUNTY
BUCKMAN DIRECT DIVERSION BOARD MEETING

December 3, 2020

1. This meeting of the Santa Fe County & City Buckman Direct Diversion Board meeting was called to order by Councilor JoAnne Vigil Coppler, Chair, at approximately 4:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings.

[For clarity purposes, repetitive identification and confirmations of those on the line and their audibility have been eliminated and/or condensed in this transcript.]

2. Roll was called and the following members were present:

BDD Board Members Present:

Councilor JoAnne Vigil Coppler, Chair
Commissioner Anna Hansen, Vice Chair
Commissioner Anna Hamilton
J.C. Helms, Citizen Member
Councilor Carol Romero-Wirth
Tom Egelhoff, Las Campanas [non-voting]

Member(s) Excused:

None

BDD Board Alternate Members Present:

Peter Ives, Community Alternate
James Lightfoot, Las Campanas Alternate

Others Present:

Rick Carpenter, BDD Facilities Manager
Nancy Long, BDD Legal Counsel
Mackie Romero, BDD Finance Manager
Kyle Harwood, BDD Legal Counsel
Bernardine Padilla, BDD Public Relations Coordinator
Randy Sugrue, BDD Operations Superintendent
Greg Shaffer, County Attorney

Jamie-Rae Diaz, City Administrative Assistant
Joe Abeyta, City IT
Marcos Martinez, City Assistant Attorney
John Dupuis, County Water Division Director
Jay Lazarus, Glorieta Geoscience
James Bearzi, Glorieta Geoscience
Monique Maes, City Finance
Bryan Armstrong, BDD Maintenance Superintendent
Luke Pierpont, Egolf + Frelic + Martinez + Harwood

3. APPROVAL OF AGENDA [Exhibit 1: Agenda]

CHAIR VIGIL COPPLER: Does staff have any changes to the agenda?

RICK CARPENTER (BDD Facilities Manager): Madam Chair, we do have one change that staff would like to request and that is that item 8. C, Request for removal of vacant and unfunded Assistant Water Resources Coordinator position from the BDD org chart. That needs a little bit further consideration at the City Water Division and a request has been made to pull this item and possibly bring it back in the future.

CHAIR VIGIL COPPLER: So you're saying we need to remove item 8. C?

MR. CARPENTER: That is correct, Madam Chair.

CHAIR VIGIL COPPLER: Okay; any other changes?

NANCY LONG (Board Legal Counsel): Madam Chair, under 7. A, the date of the FSAC meeting should be December 2 and not December 1.

CHAIR VIGIL COPPLER: Okay.

COMMISSIONER HAMILTON: Madam Chair, may I actually ask for a clarification?

CHAIR VIGIL COPPLER: Yes.

COMMISSIONER HAMILTON: Thank you. So 8. C is being removed from the agenda all together, not just removed from Consent?

CHAIR VIGIL COPPLER: Yes. It would be removed from the agenda all together.

COMMISSIONER HAMILTON: Thank you.

CHAIR VIGIL COPPLER: Okay, 7. A the correction is to change December 1 to December 2nd.

MS. LONG: That is correct, Madam Chair.

CHAIR VIGIL COPPLER: Okay. Any other changes? All right. What are the wishes of the Board?

COUNCILOR ROMERO-WIRTH: Move to approve as amended.

COMMISSIONER HAMILTON: Second.

CHAIR VIGIL COPPLER: It's been moved by Councilor Romero-Wirth, seconded by Commissioner Anna Hamilton.

The motion passed by unanimous [5-0] roll call vote.

4. APPROVAL OF CONSENT AGENDA [See page 13]

CHAIR VIGIL COPPLER: We have item 8. C already removed or done away with. So what are the wishes of the Board?

COMMISSIONER HANSEN: Madam Chair.

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion to approve the Consent Agenda.

CHAIR VIGIL COPPLER: Okay. Do we have a second?

BOARD MEMBER HELMS: Second.

CHAIR VIGIL COPPLER: Okay, it's been moved by Commissioner Hansen and seconded by Mr. Helms. Thank you.

The motion passed by unanimous [5-0] roll call vote.

5. APPROVAL OF MINUTES: November 5, 2020 BDD Board Meeting

CHAIR VIGIL COPPLER: I would like to start off by reading into the minutes for November 5th, stating for the record that the only matter discussed during executive session at our last Board meeting on November 5th was the matter stated in the motion to go into executive session, and that no action was taken. So I'd like to read that into the minutes. What's the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR VIGIL COPPLER: Commissioner Hamilton.

COMMISSIONER HAMILTON: Move to approve the minutes with that addition.

COMMISSIONER HANSEN: Second.

CHAIR VIGIL COPPLER: It's been move by Commissioner Hamilton, seconded by Commissioner Hansen to approve the minutes of November 5th.

The motion passed by unanimous [5-0] roll call vote.

6. MATTERS FROM THE PUBLIC

CHAIR VIGIL COPPLER: I believe we have one comment from the public and I'd like to ask Jamie-Rae Diaz to please read the public comment into the record as I understand the maker of the public comment agreed that it should be read into the record.

JAMIE-RAE DIAZ (Administrative Assistant): So this is by Joni Arends and public comment reads as follows: Concerned Citizens for Nuclear Safety, CCNS, submits the following comment and a question to the Buckman Direct Diversion for today's meeting. One, at last month's meeting on November 5, 2020, there was a discussion about a one-year extension of the 2018 BDD Board-LANL MOU which expired on December 1, 2020. This term is not listed on today's agenda. CCNS question: What is the status of the MOU?

Two, CCNS supports the approval of amendment No. 2 to the professional services agreement with Glorieta Geoscience, Inc, for technical support services to the Board. Thank you for this opportunity to make a public comment.

CHAIR VIGIL COPPLER: Okay. Thank you, Joni. If Joni Arends is listening, this is a public comment only but we may have an opportunity to say a thing or two about this later in the agenda. Thank you, Jamie-Rae.

6. PRESENTATION/INFORMATIONAL ITEMS

A. Report on December 2, 2020 Fiscal Services Audit Committee (FSAC)

MACKIE ROMERO (BDD Finance Manager): Madam Chair, members of the Board, the Fiscal Services Audit Committee was held on Tuesday, December 2nd. In attendance was myself, BDD Financial Manager, Rick Carpenter, BDD Facilities Manager, County Commissioner Hamilton and John Dupuis; from Las Campanas Tom Egelhoff and James Lightfoot.

We discussed the report on the first quarter financial position and then we discussed Consent Agenda items 8. A, 8. B and 8. C, and there were no major concerns.

I also provided an update on the BDD audit for fiscal year ending June 30, 2020, and stated that unfortunately, BDD's audit will be late. A letter was submitted to the State Auditor. We are tied with the City's audit and that report won't be submitted until March 31st. An update was also provided and we will provide updates every month until the report is officially issued to the State Auditor. That's the end of my report.

CHAIR VIGIL COPPLER: Thank you, Mackie. Does the Board or anyone, staff people, have any comment? Questions for Mackie? Commissioner Hansen first, Commissioner Hamilton, second.

COMMISSIONER HANSEN: I just want to express my disappointment in the fact that the audit will be late again. I don't really understand. I thought that the City had been given instructions to make it possible so that the cash receipts could be done earlier. So I just have to express my disappointment with that. I hope the City can start getting their fiscal house in order.

CHAIR VIGIL COPPLER: Thank you. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. In that regard I wanted to say at first I fully understand that Mackie has done everything possible from the BDD side to make the audit as responsive as possible, but I'd like to ask, last year when the audit was late we had some discussion about potential remedial actions and I'd like them to be re-discussed and re-pursued this year. I'm not to the extent that we might want to ask why they weren't implemented the way they were discussed – I only want to ask for that if it helps figure out how we can do it this year. I'm not interested in blame but I really feel like this can and should be and truly needs to be remediated.

So if we can at some point have a discussion with what we can implement between the City and BDD so that we can get the information in a timely manner and have timely audits, I would really appreciate it.

CHAIR VIGIL COPPLER: Thank you. Mr. Carpenter, have you had any discussions with anyone at the City Finance to shed any light on this?

MR. CARPENTER: I have not. Mackie may have. I don't know that the Finance Department is going to be all that responsive to me. They speak in terms that Mackie understands but I don't know if she's reached out to them or not.

CHAIR VIGIL COPPLER: Ms. Romero.

MS. ROMERO: So Madam Chair, members of the Board, I have had discussions with Finance and Commissioner Hamilton is correct. Finance was trying to see if there was a way to separate cash, because that's one of the major components, but I know it's more difficult than originally was discussed. And so I will touch base again with Finance and see what those difficulties are and if that means changes to maybe some of the agreements then I can at least bring that forward so the Board is aware of what those steps would involve or take in separating BDD's cash from the City. That would hopefully help facilitate the audit.

CHAIR VIGIL COPPLER: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: That's a great response and I would appreciate it. And Madam Chair, to the extent that it might help to have your as Chair, maybe after Mackie's first approach or when she has some feedback, to the extent that it might benefit BDD to have the Chair get involved in this – I'm just throwing that out as a thought.

CHAIR VIGIL COPPLER: Okay. Thank you. I will. I will say that the entrance conference with the auditors was not very comfortable to learn that we were going to be late again. They're concerned and I know I'm concerned. I know you all are concerned. So we will do whatever we can to make our concerns known and as see if there's any possible solution to this. It's obviously not going to be impacting this year's audit but in the future it could maybe effect a better position to be in for the next year's audit. So thank you for that.

Any other questions for Mackie Romero? Thank you, Mackie.

7. B. Monthly Update on BDD Operations

CHAIR VIGIL COPPLER: Randy Sugrue.

RANDY SUGRUE (Operations Superintendent): Thank you, Madam Chair, members of the Board, for the month of November and to date, the BDD operators are continuing to maintain a safe and healthy work environment. I'm pleased with that.

For the month of November our diversion averaged about 3.96 million gallons per day. Our deliveries through our booster stations averaged about 3.67 million gallons per day. Our delivery to Las Campanas has now come to zero as irrigation has stopped for the year. Our onsite treated and non-treated water is about 43 million gallons per day. We're providing 57 percent of the water supply to the City and County. That's increasing a bit. In December there is a regional demand drought summary update on page 2. As you can see on our report, our year-to-date diversions are depicted on the graph now. About an average for November.

Just as a note, we're just above two billion gallons of water produced at BDD for the year, which was similar to the previous year, a bit higher.

The daily demand for the month of November was about 6.4 mgd, so I stand for questions.

CHAIR VIGIL COPPLER: All right. Thank you. Does anyone have any

questions for Randy? Great. Seeing none, thank you, Randy. All very informative.

MR. SUGRUE: Thank you.

7. C. Report from the Facilities Manager

MR. CARPENTER: Thank you and good evening, Madam Chair and members of the Board. I have a few items. I think maybe I should start with the concurrence of Board general counsel – if I could ask Mr. Harwood, I think he has some answers to some of the pretty questions that Joni Arends asked in her email to the Board, and if it pleases the Chair, I'd like to invite Mr. Harwood to respond to that.

CHAIR VIGIL COPPLER: Okay.

KYLE HARWOOD (Board Counsel): Thank you, Madam Chair. Just two quick sentences. The letter extension to the MOU that was voted on by this Board in November has been executed. As you know, Chair, you got an electronic signature from me or a request for an electronic signature from me and then the site office has similarly executed that. So we do have that extension and that's just a quick update following on the Board's action from the last meeting.

And the second question from Ms. Arends, we'll have a full report at the January Board meeting regarding the status of our MOU negotiations. Not much has happened with Mr. Underwood's departure from the scene but we hope to have some additional progress to report at the January meeting if that suits the desire of you the Chair and the Board in general.

CHAIR VIGIL COPPLER: Yes. Sure.

MR. HARWOOD: Very good. That completes my updates that also just happen to fit into the public comment.

CHAIR VIGIL COPPLER: Thank you. Mr. Carpenter, do you want to proceed?

MR. CARPENTER: Thank you, Madam Chair. The next update I would like to share with the Board, Mackie and I have been working on the budget. We have been asked to comply with what I think is a pretty aggressive schedule, but we are doing pretty well. We've got a preliminary draft that is pretty tight, and we ran that by the City Water Division Director just yesterday. There are a couple little things we have to tighten up. There were no issues that we can't deal with. I think the budget's coming along really well. We're early in the year but we've got a pretty solid budget. It's going to be very thin, just like last year, but we are on track and complying with the schedule that's been presented to us. So I just wanted the Board to know that that is proceeding as it should be.

CHAIR VIGIL COPPLER: Okay. Before you proceed I see a hand from Commissioner Hamilton.

COMMISSIONER HAMILTON: Just quickly, could you give us a little verbal report on what the budget schedule is for the new fiscal budget?

MR. CARPENTER: It's pretty aggressive. We were directed – Mackie and I were directed to have a draft on the desk of the Water Division Director as of yesterday at 1:00 pm. We did that. I understand that we have to get that tightened up and presentable by the end of the week; that would be tomorrow. Shannon Jones, the Public Utilities Director, has to have his preliminary budget in to I guess the Finance Department some time next week. I'm not sure which day, but it's pretty aggressive and we'll go from there.

We have in our organic documents our own schedule on how to have the Board approve a draft budget and make the recommendation to the City and the County. We'll be able to stick with that unless there's something that I don't anticipate. So we're on schedule.

COMMISSIONER HAMILTON: Well, being on schedule is very nice, but clearly what you turn into the City is a first cut and it's recognized that the BDD budget comes to the BDD Board for approval and discussion, so in the process of revising the budget I think if you're presenting it to the City it should be presented to the Board.

MR. CARPENTER: I don't have a problem unless Mackie or Nancy has a problem presenting a preliminary budget. I think that would be helpful to perhaps even bring a preliminary draft to the Board at the next Board meeting, sooner rather than later is always good.

MS. ROMERO: So Madam Chair, if I could.

CHAIR VIGIL COPPLER: Sure.

MS. ROMERO: The City's deadline is aggressive. Once we were done with that it was our intention to then meet with both the County and Las Campanas as they are partners and part of this budget. And so I don't know if that's the level of discussion you were looking for, Commissioner Hamilton, or if you were looking for a higher level, but those meetings are planned and intended to happen. We were just trying to meet the City's deadline, but our intention is to meet with the remainders of the partners to go over the budget and the water projections and the numbers.

COMMISSIONER HAMILTON: Well, I appreciate that. I think that's a great idea. This is obviously earlier than you guys normally think that you need to present to the Board for approval of the BDD budget. What does come to mind, though, is that during the process of developing the draft budget, if the Board sees anything that they want some discussion on, the City has maybe good reason for wanting it earlier. That's great. They want to see where they're going to stand in the coming year and to be able to anticipate things but it doesn't leave room for their going ahead with the budget and the BDD Board, or the County and Las Campanas, and that will address some of it, but if there are things that come up, that would have to go back to the City to get information and some feedback early and have the Board as part of the process. It makes sense to me in terms of not having problems later.

CHAIR VIGIL COPPLER: I have a question. We would still go through budget hearings, right? And this is just kind of an accelerated prep time? We're preparing for meeting the deadline of submitting an operational budget by the DFA timeframe, right? Was that some time in May?

MS. ROMERO: So I know last year's budget was unique in that typically we don't go to budget hearings – or at least not BDD itself. The budget hearing remains within the Water Division and their budget, but I know last year was a unique situation and BDD did attend the budget hearings. I don't know if that will be the case again this year. But trying to stay in line with the original schedule was meeting with the partners, bringing the budget to the Board with all the partners' concurrence, and then getting the Board to then recommend that to both the City and the County, and then they include that in their budgets. But like Rick said, if we need to bring a preliminary draft so that the Board has an opportunity to have some discussion I think we can still do that.

CHAIR VIGIL COPPLER: Okay. Well I realize that discussion, whether we get into budget hearings or not is something we still need to discuss. I think the reason for

that was to begin to educate that BDD is a separate entity and to the extent the Board still wants to communicate in that fashion in may or may not be something you all want to do. But my point is, overall budgets have to be done and presented – is it the May deadline to DFA?

MS. ROMERO: I believe so, when it comes to the City and the County.

CHAIR VIGIL COPPLER: Okay. All right. I think there's still time. If we have to flex our budget muscle then we have some time to do it, but earlier is always sooner than later. Better than later. Thank you. Rick, do you want to continue?

MR. CARPENTER: Yes, Madam Chair. Thank you. I have two more items to update the Board on. They're bother going to be difficult for everyone. I do it with a heavy heart, but I need to let the Board know that Mackie Romero has decided to take a position elsewhere, with the State. It's a great career opportunity for her and an ability to apply the breadth and depth of her skills, more so than at the BDD and to be able to keep her options open as she moves through her career which I'm sure will be illustrious. But she has decided to take that position. She'll be leaving us on December 11th. We are working to see what we can do about a smooth transition and to fill the gaps until we can make a new hire. It will be difficult to find someone with the skill set that this job description requires. It always has been. That will be a challenge but I want the Board to know that I'm working on that already.

One thing we probably can't replace – we hope to, but it will be difficult, and that is filling the position is one thing; filling the person, which is Mackie Romero will be also very difficult. She's always been so helpful and so talented and a delight to work with, and everybody respects her and relies on her and so we are saddened that she will be moving on but we wish her well and I want to say in this public meeting, congratulations and we wish you well. Mackie, do you have anything to add?

MS. ROMERO: Thank you, Rick. I just want everyone to know it's been a pleasure. I've loved my seven years here at BDD. I love the staff. I love the work, the Board, the partners. Everybody's been very supportive in my career and I am excited about this new opportunity and saddened at the same time, but I do want to thank everyone and thank you, everyone, for all your kind words and support and wishes. So just thank you.

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: Mackie, this is very sad news to hear, but also congratulations, and I am so happy for you moving up the ladder, so to speak. That's a great opportunity and I'm so proud and happy for you. But we are going to miss you desperately. I know that and I just want to express that from my heart. We will really miss you. There is no doubt about it. So thank you for all your service to the BDD and to all of us on the Board. We have gratitude for all that you've done.

CHAIR VIGIL COPPLER: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, thank you, Madam Chair. What you've done for BDD can't be expressed any better than what Rick said but it is so amazing what a central figure you are between your expertise and the institutional knowledge and how you use that to make BDD successful. So it will be a challenge to replace that. But it's no surprise for you to get recruited to bigger and better things and I wish you – I mean it is no surprise at all. Well deserved and I wish you just so much luck in that. So if you hear the screams in the distance sometime after December 11th, you'll know what's going on. Congratulations, and thank you for everything.

MS. ROMERO: Thank you.

CHAIR VIGIL COPPLER: Anybody else? So Mackie, I was just like shocked to hear this and I'm saddened for the BDD Board and for all the people that work with you that I know are going to be very, very sad, but at the same time I'm just so – I'm excited for you for the career path that you're taking. I think there's no doubt one day you could be cabinet secretary for Department of Finance and Administration. And you've got some time to climb that ladder but I have no doubt that someone of your caliber and what you've been able to do for this Board and how you've kept it all together and your understanding, most of all, of the intricacies of finance and governing and such that there's no doubt that you could certainly end up in high places. So just remember all of us when you're there. We were nice to you. And just best of luck in your career. I know BDD is going to miss you and I hope you have a little life line for Rick Carpenter along the way because there's some things that are going to need – some questions, probably that will come up for you and I hope you're open to answering those questions in the future without jeopardizing anything that you have going on. But best of luck to you and just remember us fondly, and I think you will, because we will remember you fondly.

MS. ROMERO: Yes. Thank you.

CHAIR VIGIL COPPLER: Councilor Ives.

PETER IVES: Sorry, I just wanted to add that Mackie, obviously, our interactions have all been associated over the years with the BDD and having been a member of this Board for a number of years, and having served on many, many boards over the course of many years, having especially finance staff who are informed, who have the best interest of the organization at the forefront of the work they do and are able to provide confidence, those who serve on the board that they're getting accurate and correct and full information on financial matters makes all the difference to the operation of the Board but also the job that it's able to do. So I would say I give you my highest compliments in that regard because I have over the years built up a deep and abiding trust in what comes out of your mouth when you are presenting to this Board. So I would thank you for that and in closing I would only say that I hope you're coming over to the Department of Cultural Affairs.

MS. ROMERO: Thank you.

CHAIR VIGIL COPPLER: Okay, so thanks, Mackie, again.

MS. ROMERO: Thank you.

CHAIR VIGIL COPPLER: Mr. Carpenter, do you have any more good news, bad news?

MR. CARPENTER: Yes, Madam Chair and members of the Board, I'm afraid I do. With an equally heavy heart I need to announce to the Board that Mr. Bryan Armstrong will also be leaving the BDD. Bryan is the maintenance superintendent, has had a long and illustrious career with the City and the BDD. He has decided it would be in his best interest at this time to retire. He may or may not want to say words to the Board, but it's in his best interest that perhaps he retires. That too is going to be a difficult thing for the BDD to deal with. We've gotten so accustomed to Bryan helping us from the smallest maintenance item all the way up to tearing down and building up a 900 horsepower motor. There's nothing that that man can't do. He's a true hands-on working supervisor. His crew looks up to him and respects him. We all do. And like Mackie, we all like Bryan. He's easy to work with. He's a delight to work with and he's always, always willing to help. So we're

going to miss Bryan as well. His last scheduled day is December 25th, I believe. I think that's because it's the end of the pay period. That may or may not work out but he'll be leaving soon.

I need to let the Board know that I'm being as pro-active on this too as I can be. I've been sort of beating the bushes behind the scenes on possible replacements or anybody that might be interested in applying for the job and accelerating filling the job. We have tried to post that position earlier. Mackie and I are working on making sure that that happens and hopefully within the next day or so, we're not sure why it isn't posted yet, but we're being pro-active. We don't want a long-term void in filling Bryan's position.

But I want to thank Bryan personally in this meeting and congratulate him on a long, successful, amazing career and we will miss him as well. So, Bryan, I don't want to put you on the spot at all. I see that you're on the call but if you would like to say any words. You don't have to if you don't want to, but if you do, please feel free.

BRYAN ARMSRONG (Maintenance Superintendent): I'd like to say thank you to the Board and to all of the City for everything that I've been able to accomplish. I wasn't able to get done what I wanted to do for BDD. When I came back I had high hopes of getting everything straightened out down at the river where we had [inaudible] instead of a rush every day just to keep everything running. I thank everybody and I appreciate all the help that I've been given and I hope only the best for BDD.

CHAIR VIGIL COPPLER: Thank you, Bryan. Commissioner Hamilton.

COMMISSIONER HAMILTON: I know that you feel that you have less of a visible face to the Board than maybe Mackie does, but your efforts and your expertise and what you do for BDD is no less appreciated. I just wanted to express tremendous thanks for what you've carried and for what you've contributed to BDD and wish you all the best in retirement.

MR. ARMSTRONG: Thank you very much.

CHAIR VIGIL COPPLER: Any other comment? J.C.

BOARD MEMBER HELMS: I'm sorry I got blocked out earlier but I do want to join everybody in expressing thanks to Mackie for all she's done. She's been just wonderful to work with and I'm sorry to see her go, but I do wish her the very best. And I also want to say the same to Mr. Armstrong. I don't know him particularly well but he's obviously been extremely important to the organization and I'm very, very grateful and wish him the very best in the future. Thank you.

CHAIR VIGIL COPPLER: Thank you, J.C. Anyone else? Councilor Ives.

MR. IVES: Thank you, Madam Chair. I would just echo that yes, we do see Mackie of course at all the meetings but we are certainly cognizant of the complexity of the BDD operation and I think Rick's words probably were the best summary of the work that you've done for the organization and the fact that you are there and have been a person clearly that folks have relied upon over the years when tough jobs need to get done speaks tremendously to your work for the BDD, so I certainly want to extend those same thanks to you and how fun to be able to retire. Nice. Thank you.

CHAIR VIGIL COPPLER: Okay. Anyone else? I would like to join in the others, Mr. Armstrong, by wishing you well and I would also like to say as Commissioner Hamilton said, you may not be the picture perfect up front in any meetings but I sense and I know that you have the kind of job that when maybe something you didn't do or whatever went wrong then everybody knows who you are. So the fact that we may not have crossed

path is a good thing in that regard but that just speaks to your abilities and your accomplishments.

And please don't go away thinking that the Board doesn't appreciate your work because I know even those who haven't spoken have a high regard for the work that you do. It's important work and I'm sure everything that you've done has kept us in good standing and kept our operations running and in very good standing. So again, thank you for your service to the Board, to the City, to Las Campanas and the like and we just really appreciate you and we wish you well and we wish you a good future. Thank you.

MR. ARMSTRONG: Thank you very much.

CHAIR VIGIL COPPLER: I really don't feel like going back to you, Mr. Carpenter.

MR. CARPENTER: I'm sorry for the bad news, but I think that concludes my report to the Board.

CHAIR VIGIL COPPLER: Okay. Thank goodness.

COMMISSIONER HANSEN: Madam Chair.

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: I just want to know when you will post the position for Mackie's position. I think that it is a critical position for BDD and what do you see as the future for posting and going through the hiring process?

MR. CARPENTER: Well, what I think I can tell you, Commissioner, at this point, and Madam Chair, members of the Board, we're going to move along as swiftly as we possibly can. I've already had some discussions with Mackie about getting all the paperwork prepared, job description, interview questions, the request to post, all of that is in process. Whether or not I can actually post before her scheduled departure date, December 11th, I don't know, or if we could even get it done by then, but that is the goal is to do it as rapidly as possible, and then I suppose we'll post for 30 days. We want to make sure that we get as many qualified applicants that might be interested as possible. And like I said earlier, I am already looking at people who may be interested and reaching out, and hopefully we'll get some qualified applicants that would be interested in applying and not having this – maybe another way to say it would be it is not my intention at all not to be aggressive about this.

I will approach the Water Division Director and if need be, the PUD Director and I'll hopefully gain their support to be as aggressive as we need to be so that the transition is as smooth as possible and the void is as short as possible, so we don't misstep anywhere along the way.

COMMISSIONER HANSEN: Thank you, Rick. I appreciate those comments and also thank you, Mr. Armstrong, for all of your hard work on all the projects at BDD. Thank you.

CHAIR VIGIL COPPLER: All right. Any other questions for Rick? Okay, seeing none.

7. D. Report on 1st Quarter Financial Position for Fiscal Year 2021

MS. ROMERO: Madam Chair, members of the Board, this report is to update the BDD Board and its partners on the first financial position as of September 30, 2020. This report I bring every quarter. The first part of the report is our budget

overview. As you can see from the second page of the report, our first quarter expenditures are a little over \$2.2 million. There are several line items that are rather high in the first quarter, but as you notice from Randy's report we were producing a lot of water, so our electrical for the first quarter was really high. Chemicals was really high and then our solids was really high, so we will probably see those numbers start to dip in the second quarter.

We are concerned with budget. Our budget is very thin this year so we will be monitoring those expenditures and bringing back any adjustments that we may have to make in the future.

The report also typically includes the first quarter billing to the partners but unfortunately, I was unable to get that done prior to printing of the packet so that was not included, but I will get the first quarter invoices out to the partners by the end of the week. So I'm actually working on that right now and am almost done.

The second part of the report is our other funds. We have the major repair and replacement fund and the emergency reserve fund. The Board has authorized \$492,000 from the major repair and replacement fund and as you can see from the budget overview there were no expenses in the first quarter, just encumbrances, so we should see some invoices coming in in the second quarter. I know the HVAC unit that the Board had approved was recently installed and completed so we should be getting that invoice in the second quarter.

Are there any specific questions about our expenses in the first quarter from the Board members?

CHAIR VIGIL COPPLER: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mackie. With your departure, and with your working on the budget for the next year, I'm concerned that we have such a thin budget at the moment and that we're going to need to do possibly some BARs if we have created the thin budget. So do you foresee that with this budget that you are presenting to the Water Division that you will increase those places where we have used more water than we expected, and the solids? The electricity and the chemicals?

MS. ROMERO: So Madam Chair, members of the Board, like Rick mentioned, we did have these discussions with Jesse yesterday and you are correct, it was concerned about electricity and so I am going to have to do some shifting of expense to put something back in that particular category. We're also going to have some of our positions fully funded and so there will be some adjustments that will need to be made in the budget, and we'll work with those.

COMMISSIONER HANSEN: So, since you are leaving, who is going to do that? Or do you plan to get that done before you leave?

MS. ROMERO: My intent is to get the budget complete as far as I can before I leave.

COMMISSIONER HANSEN: I'm extraordinarily grateful. Thank you for that.

CHAIR VIGIL COPPLER: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: Just a small thing, because I was thinking about, as you pointed out, there's a relationship, clearly, between the expenditure of electricity, which was – and the amount of water pumped. In July, all the summer months, they're high demand months, but thinking about it, I think that demand

is not just driven by a dry year. July was twice what the long-term average is from the operations report. So it just seems to me it must be partly driven by everybody being at home for COVID. Because there's less commercial use but I think it's got to be tremendously intuitively and empirically outweighed by higher residential use, which gives me the sense that it's not going to come down that much.

It's got to come down in the winter from the summer. But I bet it's got to be higher than average still. So I just think keeping that in mind when we think about the probability of using this year to project next year's budget for example, I just think we ought to keep that in mind.

CHAIR VIGIL COPPLER: Thank you, Commissioner. Any other questions for Mackie on this report? Okay. Thank you, Mackie. That is your report, ever.

MS. ROMERO: Thank you.

8. ACTION ITEMS: CONSENT

- A. Request for Approval of Annual Payment to the Bureau of Land Management in the Amount of \$68,407.01**
- B. Request for Approval of Amendment No. 2 to the Professional Services Agreement with Glorieta Geoscience, Inc. for Technical Support Services in the Amount of \$50,000 plus New Mexico Gross Receipts Tax**
 - 1. Request for Approval of Budget Amendment Resolution (BAR) in the Amount of \$54,219**
- C. Request for Approval to Remove Vacant and Unfunded Assistant Water Resources Coordinator from the BDD Org Chart REMOVED**

9. MATTERS FROM THE BOARD

CHAIR VIGIL COPPLER: Do we have any matters from the Board that anyone wants to bring up? We're all pretty depressed right now, I think. Well, then, seeing none.

10. NEXT MEETING: Thursday, January 7, 2021 at 4:00 p.m.

12. EXECUTIVE SESSION

In accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), discussion regarding pending litigation in which the BDDB is a participant, or may become a participant, including, without limitation, the waters of the United States (WOTUS) Litigation entitled: *State of California, et al. v. Wheeler*, Case No. 3-20-CV-03005-RS (U.S.D.C.N.D Cal.)

CHAIR VIGIL COPPLER: We will adjourn after we make a motion to go into executive session. So I'll just take the liberty of moving that we go into executive session in accordance with the Open Meetings Act to discuss the Waters of the United States litigation entitled: *State of California, et al. v. Wheeler*, Case No. 3-20-CV-03005-RS. So that's my motion.

BOARD MEMBER HELMS: Second.

CHAIR VIGIL COPPLER: Mr. Helms made the second. Karen, will you please call for the vote.

The motion to adjourn and go into executive session passed by unanimous [5-0] roll call vote as follows:

Councilor Vigil Coppler	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Councilor Romero-Wirth	Aye
Board Member Helms	Aye

[The Board adjourned and met in executive session at 4:53 p.m.]

11. ADJOURNMENT

Chair Vigil Coppler adjourned the open portion of this meeting at approximately 4:53 p.m.

Approved by:

JoAnne Vigil Coppler, Board Chair

Respectfully submitted:

Karen Farrell, Wordswork

ATTEST TO

YOLANDA Y. VIGIL
SANTA FE CITY CLERK